**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**ARBITRATION PETITION NO.433 OF 2004**

Shri Ramesh Gopal Vaity ..Petitioner.

Vs.

Bharat Petroleum Corporation Ltd. ..Respondents.

Mr.S.N.Manoti for the Petitioner.

Mr.M.P.Savla with Sheela John i/b.M/s.M.P.Savla & Co. for the Respondents.

**CORAM: S.U.KAMDAR, J.**
**DATED: 22nd DECEMBER, 2004**

**P.C. :**

The Petitioner has challenged the award only on the ground viz. that though the arbitrator has given a finding that the actual loss of cylinders was 893 and 102 pressure regulators. While passing the operative part of the award, the learned arbitrator has computed total number of cylinders lost as 1449 and has award Rs.12,14,600/-.

2. The aforesaid contention of the learned counsel for Petitioner is erroneous inasmuch as in paragraph 11.14 of the award the arbitrator has given credit for the sum of Rs.7,50,000/-. From a letter dated 20.4.1998 it is clear that this amount of

Rs.7,50,000/- is towards the credit of 556 cylinders which has been returned by the Respondents herein. This amount has been given credit of by the arbitrator in paragraph 11.14 of the award. Thus, the ultimate amount awarded is not for 1449 cylinders but only for 893 cylinders which are lost as per the finding of the arbitrator.

3. In the aforesaid view of the matter, I do not find any merits in the challenge to the award by the Petitioner. Accordingly, I dismiss the petition. There shall be no order as to costs.